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Docket No. 10806-105

PATENT

**CERTIFICATE OF FACSIMILE**

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Lauren Jessenden**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Ib Mendel-Hartvig et al : Paper No.: 1641  
Serial No.: 09/713,763 : Group Art Unit: 4553  
Filed: November 15, 2000 : Examiner: C. Chin  
For: Assay Device and Use Thereof

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Non Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated August 13, 2003, the Examiner required restriction under 35 U.S.C. §121 between claims 1-21 and 25-28 drawn to a test device and kit and claims 22-24 drawn to a method of performing an assay. Applicants hereby elect the invention of claims 1-21 and 25-28. This election is made with traverse on the basis that, as claims 22-24 employ the test device of claim 1, it would not be unduly burdensome for the Examiner to examine claims 22-24 with claim 1. Accordingly, reconsideration of the restriction requirement and examination of all of claims 1-28 in the present application is requested.

Respectfully submitted,

By Holly D. Kozlowski  
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September 15, 2003

*from* **HOLLY D. KOZLOWSKI**

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**To:** Examiner Chin - Group Art Unit 1614  
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